

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:	:	CASE NO.: 15-43846-nhl
	:	
Neranganie Etwaroo	:	CHAPTER: 13
<i>aka Neranganie Pargan,</i>	:	
	:	HON. JUDGE.:
Debtor.	:	Nancy Hershey Lord
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AFFIRMATION OF NON-COMPLIANCE

1. Richard Postiglione, Esq., an attorney at law duly admitted to practice before this court and the Courts of the State of New York, hereby affirms the following to be true under the penalty of perjury.

2. A Motion for Relief from the Automatic Stay was filed by SN Servicing Corporation as servicer for U.S. Bank Trust National Association as Trustee of the Lodge Series III Trust (the "Movant") on June 21, 2019 and was granted by an Order Conditionally Granting Relief from the Automatic Stay entered by this Court on October 28, 2019 (the "Conditional Order"). A copy of the Conditional Order is annexed hereto as **Exhibit A**.

3. Pursuant to said Conditional Order, on or before February 15 2021, the Debtor was to tender payments in certain monthly installments representing post-petition arrears on her mortgage.

4. In addition, the Debtor was to commence making regular monthly payments to Movant beginning with the September 1, 2019 payment.

5. That upon information furnished by Movant, the Debtor had failed to make the

September 1, 2019 through November 1, 2019 regular monthly payments and the September 15, 2019 through November 15, 2019 stipulation payments.

6. Pursuant to the Conditional Order, the Debtor and Debtor's attorney were served with a Ten (10) Day Notice to Cure. A copy of the Notice to Cure is annexed hereto as **Exhibit B**.

7. According to Movant, the Debtor has failed to remit the total due as per the Notice to Cure and is still due for the September 1, 2019 regular monthly payments and the September 15, 2019 stipulation payment and each subsequent payment thereafter.

WHEREFORE, as the Debtor has failed to comply with the requirements of the Conditional Order, upon the filing of this Affirmation and signature of the proposed order submitted herewith, the automatic stay is vacated with respect to the Mortgage held by Movant to the extent necessary to allow Movant, its successors and/or assigns to commence and/or continue mortgage foreclosure and eviction proceedings on the real property located at 95-23 105th Street, Richmond Hill, NY 11419.

Dated: December 10, 2019
Garden City, NY

By: /s/ Richard Postiglione
Richard Postiglione, Esq.
FRIEDMAN VARTOLO LLP
Attorneys for Movant
Friedman Vartolo LLP
1325 Franklin Avenue, Suite 230
Garden City, New York 11530
T: (212) 471-5100
F: (212) 471-5150

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Neranganie Etwaroo	:	CHAPTER: 13
<i>aka Neranganie Pargan,</i>	:	
	:	HON. JUDGE.:
Debtor.	:	Nancy Hershey Lord
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**EX-PARTE ORDER MODIFYING AND
TERMINATING AUTOMATIC STAY**

Upon the Application (the "Application") of SN Servicing Corporation as servicer for U.S. Bank Trust National Association as Trustee of the Lodge Series III Trust (the "Movant"), through its attorneys, Friedman Vartolo, LLP, for relief from the automatic stay; and

On or about October 28, 2019 an Order Conditionally Granting Relief from Stay was entered by this Court (the "Conditional Order"); and

The Debtor having defaulted in making the required payments pursuant to the terms of the Conditional Order; and

A Notice to Cure having been issued and served by Movant pursuant to the terms of the Conditional Order and

The Debtor having failed to timely cure the default set forth in the Notice to Cure, and

Upon the Affirmation of Non-Compliance filed herewith, it is therefore, hereby

ORDERED, that the Application of Movant is granted modifying the automatic stay to allow Movant, its successors and/or assigns, to pursue any and all action and to exercise its remedies as to the property known as 95-23 105th Street, Richmond Hill, NY 11419; and it is further

ORDERED, that in the event this case is converted to a case under any other chapter of the U.S. Bankruptcy Code, this Order will remain in full force and effect; and it is further

ORDERED, that the Trustee shall retain any and all interest the Debtor's estate may have in any surplus monies from a foreclosure sale of the Real Property.

By: /s/ Richard Postiglione
FRIEDMAN VARTOLO LLP
1325 Franklin Avenue, Ste. 230
Garden City, New York 11530
T: (212) 471-5100
F: (212) 471-5150

SERVICE
LIST

Neranganie Etwaroo
95-23 105th Street
Ozone Park, NY 11416
Debtor

Bruce Feinstein
86-66 110 Street
Richmond Hill, NY 11418
Debtor's Attorney

Marianne DeRosa
Office of the Chapter 13 Trustee
100 Jericho Quadrangle
Suite 127
Jericho, NY 11753
Trustee

Office of the United States Trustee
Eastern District of NY (Brooklyn Office)
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, NY 10014
U.S. Trustee

Fein, Such & Crane
28 East Main Street, Suite 1800
Rochester, NY 14614

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:	:	Case No. 15-43846-nhl
	:	
Neranganie Etwaroo	:	Chapter 13
<i>aka Neranganie Pargan</i>	:	
	:	
Debtor.	:	

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**ORDER CONDITIONALLY GRANTING
RELIEF FROM THE AUTOMATIC STAY**

Upon the Motion of SN Servicing Corporation as servicer for U.S. Bank Trust National Association as Trustee of the Lodge Series III Trust (the “Movant”), dated June 21, 2019, with exhibits attached thereto, submitted in support of said application, with proof of service upon the Trustee, Debtor, Debtor’s Attorney, and U.S. Trustee;

NOW, upon the motion of Friedman Vartolo, LLP, attorneys for Movant, upon the consent of the Debtor and Debtor’s Attorney, it is hereby:

ORDERED, that the motion of Movant is conditionally granted as set forth below, and it is further

ORDERED, that on or before February 2021 the Debtor shall pay Movant all post-petition arrears on her mortgage; such payments to include principal, interest, escrow advances and reasonable attorney fees in the amount of \$700.00 and costs in the amount of \$181.00 for arrears in the total sum of \$42,752.72; such sum shall be good through August 31, 2019 and said arrears are broken down as follows:

22 Monthly Payments (11/1/17-8/1/19) at \$1,903.26 each	= \$ 41,871.72
Reasonable Attorney Fees	= \$ 700.00
Reasonable Attorney Costs	= \$ 181.00
Total	= \$ 42,752.72

AMOUNT	DUE BY
\$2,375.15	September 15, 2019
\$2,375.15	October 15, 2019
\$2,375.15	November 15, 2019
\$2,375.15	December 15, 2019
\$2,375.15	January 15, 2020
\$2,375.15	February 15, 2020
\$2,375.15	March 15, 2020
\$2,375.15	April 15, 2020
\$2,375.15	May 15, 2020
\$2,375.15	June 15, 2020
\$2,375.15	July 15, 2020
\$2,375.15	August 15, 2020
\$2,375.15	September 15, 2020
\$2,375.15	October 15, 2020
\$2,375.15	November 15, 2020
\$2,375.15	December 15, 2020
\$2,375.15	January 15, 2021
\$2,375.17	February 15, 2021

and it is further

ORDERED, that said payments shall be in the form of certified funds and mailed to SN Servicing Corporation, 323 Fifth Street, Eureka, CA 95501, and it is further

ORDERED, that the Debtor shall make timely regular monthly payments to Movant at the address listed above by the first day of each and every month, commencing with the September 1, 2019 payment; and it is further

ORDERED, that in the event the Debtor fails to tender any of the stipulated or regular ongoing payments and thereafter fails to cure the default within ten (10) days from the date of

service of a written Notice of Default on the Debtor and Debtor's Attorney, the Movant may file an Affirmation of Non-Compliance together with a proposed Ex-Parte Order Granting Relief from the Automatic Stay. Upon issuance of the Ex-Parte Order, the Automatic Stay shall be deemed vacated with respect to the Movant, allowing the Movant, its agents, successors and/or assigns in interest to exercise all rights available to it under applicable state law with respect to the real property known as 95-23 105th Street, Richmond Hill, NY 11419, (the "Property"); and it is further

ORDERED, that in the event that three (3) Notices of Default have been sent to Debtor and Debtor's Attorney as a result of two (2) defaults under this Order, the Movant may file an Affirmation of Non-Compliance together with a proposed Ex-Parte Order Granting Relief from the Automatic Stay. Upon issuance of the Ex-Parte Order, the Automatic Stay shall be deemed vacated with respect to the Movant, allowing the Movant, its agents, successors and/or assigns in interest to exercise all rights available to it under applicable state law to exercise its remedies against the Property; and it is further

ORDERED, that in the event this case is converted to a case under any other chapter of the U.S. Bankruptcy Code, this Order will remain in full force and effect; and it is further

[SPACE INTENTIONALLY LEFT BLANK]

ORDERED, that the Movant shall promptly report and turn over to the Chapter 13 Trustee any surplus monies realized by any sale of the Property.

By: /s/ Bruce Feinstein
Bruce Feinstein
86-66 110 Street
Richmond Hill, NY 11418

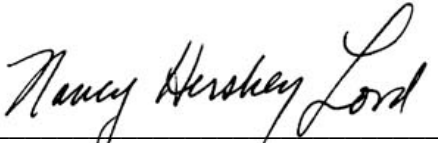
Date: September 4, 2019

By: /s/ Richard Postiglione
Richard Postiglione, Esq.
Attorney for Movant
1325 Franklin Avenue, Ste. 230
Garden City, NY 11530

Date: October 14, 2019

Dated: October 27, 2019
Brooklyn, New York





Nancy Hershey Lord
United States Bankruptcy Judge

EXHIBIT B



85 Broad St., Suite 501, New York, New York 10004
t: 212.471.5100 f:212.471.5150
friedmanvartolo.com

November 19, 2019

VIA CERTIFIED MAIL
Neranganie Etwaroo
95-23 105th Street
Ozone Park, NY 11416

NOTICE TO CURE

re: Neranganie Etwaroo aka Neranganie Pargan
Bankruptcy Case#: 15-43846-nhl

Dear Ms. Etwaroo,

Our office represents secured creditor SN Servicing Corporation with respect to your property located at 95-23 105th Street, Richmond Hill, NY 11419. Please allow this letter to serve notice that you are in default under the terms of the Conditional Order entered by the Court on October 28, 2019.

Pursuant to the Conditional Order you were required to pay post-petition arrears in the amount of \$42,752.72 in certain monthly installments on or before February 15, 2021. You were also required to make regular monthly mortgage payments beginning with the payment due on September 1, 2019.

To date, you have failed to make the following payments:

1 Regular Payments (09/01/2019) at \$1,903.26 each	= \$1,903.26
2 Regular Payments (10/01/2019-11/01/2019) at \$2,079.27	= \$4,158.54
3 Stipulation Payments (09/15/2019-11/15/2019) at \$2,375.15 each	= \$7,125.45
Total	= \$13,187.25;

Failure to cure the default on or before November 29, 2019 will result in the creditor filing an Affirmation of Non-Compliance with the Court and the stay being lifted with respect to the subject premises.

CONTINUED ON NEXT PAGE

Said payment must be made payable to SN Servicing Corporation in the form of a certified check or bank and sent to the following address within the ten (10) day timeframe:

SN Servicing Corporation
323 Fifth Street
Eureka, CA 95501

By: /s/ Richard Postiglione
Richard Postiglione, Esq.
FRIEDMAN VARTOLO, LLP
Attorney for Movant
1325 Franklin Avenue, Suite 230
Garden City, NY 11530

cc:
Bruce Feinstein
86-66 110 Street
Richmond Hill, NY 11418